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Date: May 10, 1999 (Monday)

Docket No.: 2185-208P

Application No.: 08/943,144

Assistant Commissioner for Patents
BOX CPA
Washington, DC 20231

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 08/943,144 entitled ALDEHYDE OXIDASE GENE DERIVED FROM PLANT AND UTILIZATION THEREOF by the following named Inventor(s):
Tomokazu KOSHIBA

— This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d) (4).

a. — **DELETE** the following inventor(s) named in the prior nonprovisional application: _____

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01 FC:131 b. 760.00 The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. Enter the Amendment previously filed on _____, under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. A Preliminary Amendment is enclosed.
3. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

			LARGE ENTITY	SMALL ENTITY
	BASIC FEE		\$760.00	\$380.00
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE
TOTAL CLAIMS	14- 20 =	0	x 18 = \$ 0	x 9 = \$
INDEPENDENT CLAIMS	1- 3 =	0	x 78 = \$ 0	x 39 = \$
MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$260.00	+ \$130.00
	TOTAL		\$760.00	

5. Small entity status:
 - A small entity statement is enclosed.
 - A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
 - Is no longer claimed.
6. Priority of Application No. 8-283314 filed in Japan on October 4, 1996 is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on December 3, 1997.
7. Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and _____ Application No. _____ filed in _____ on _____ under 35 U.S.C. § 119 are hereby reclaimed.

8. Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747

Telephone: (703) 205-8000

9. The applicant hereby petitions for an extension of two (2) months pursuant to 37 CFR §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$ 380.00 is required for the full period of the above-requested extension of time.

An extension of _____ month(s) was previously requested and paid for on _____ in the prior application. Thus, a fee of \$ _____ is required to obtain an additional _____ month(s) in order to establish copendency with the present application.

10. A check in the amount of \$ 1,140.00 is enclosed.

11. Please charge Deposit Account No. 02-2448 in the amount of \$ _____. A triplicate copy of this request is enclosed.

12. The filing fee is NOT attached. Please issue a Notice requesting the filing fee.

13. Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to

any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32868

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